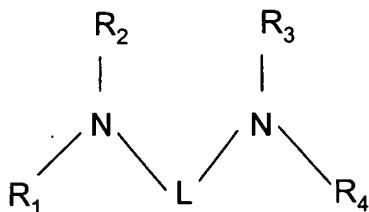


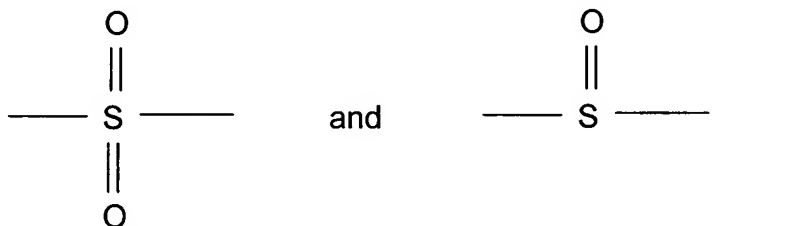
Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in this Application:

1) (CURRENTLY AMENDED) A composition of matter useful for forming organic peroxy acids, which comprises a polyamino compound having the structure:

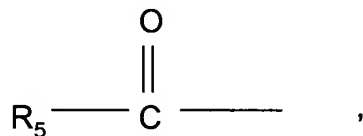


in which L is a divalent radical that is independently selected from the group consisting of:

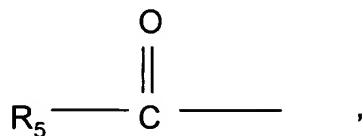


and wherein R₁, R₂, R₃, and R₄ are each independently selected from the group consisting of:

hydrogen, any C₁ to C₂₀ hydrocarbyl group, and the group:

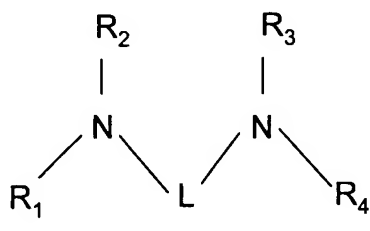


subject to the ~~proviso~~ provisos that: at least one of R₁, R₂, R₃, and R₄ are the group:

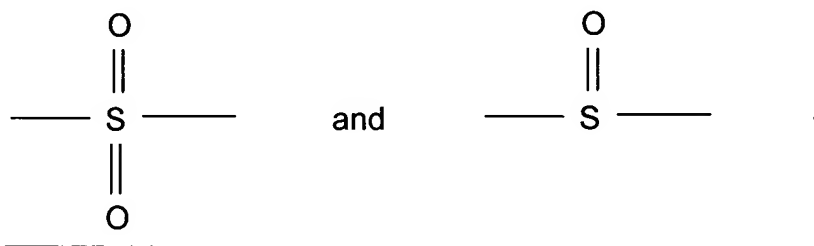


in which R_5 is in each occurrence independently hydrogen or any C_1 to C_{20} hydrocarbyl group ,
and that both of the nitrogen atoms in said structure do not have the same substituents appended thereto.

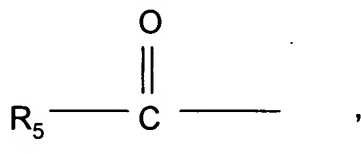
2) (CURRENTLY AMENDED) A composition ~~according to claim 1~~ of matter useful for forming organic peroxy acids, which comprises a polyamino compound having the structure:



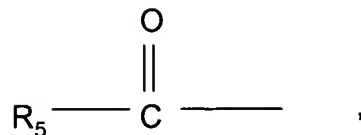
in which L is a divalent radical that is independently selected from the group consisting of:



and wherein R_1 , R_2 , R_3 , and R_4 are each independently selected from the group consisting of: hydrogen, any C_1 to C_{20} hydrocarbyl group, and the group:

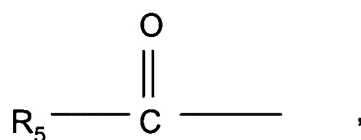


wherein one and only one of R_1 , R_2 , R_3 , and R_4 is the group:



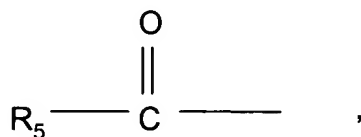
in which R₅ is independently hydrogen or any C₁ to C₂₀ hydrocarbyl group.

3) (ORIGINAL) A composition according to claim 2 wherein at least one of the groups of R₁, R₂, R₃, and R₄ which are not the group:



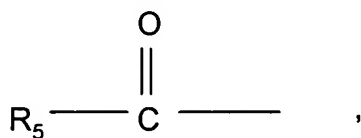
is hydrogen.

4) (ORIGINAL) A composition according to claim 2 wherein at least one of the groups of R₁, R₂, R₃, and R₄ which are not the group:



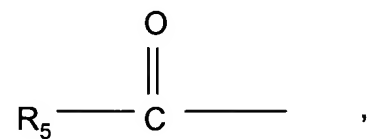
is independently in each occurrence any C₁ to C₂₀ hydrocarbyl group.

5) (CURRENTLY AMENDED) A composition according to claim 1 wherein ~~any two of R₁, R₂, R₃, and R₄~~ both of the substituents in a pair selected from the group consisting of: R₁ and R₂, and R₃ and R₄ are the group:



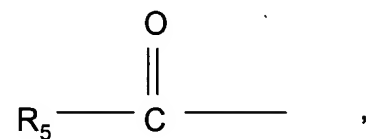
in which R₅ is independently in each occurrence hydrogen or any C₁ to C₂₀ hydrocarbyl group.

6) (ORIGINAL) A composition according to claim 5 wherein at least one of the groups of R₁, R₂, R₃, and R₄ which are not the group:



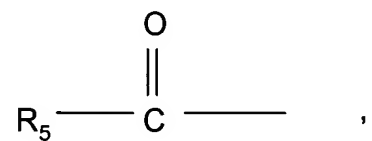
is hydrogen.

7) (ORIGINAL) A composition according to claim 5 wherein at least one of the groups of R₁, R₂, R₃, and R₄ which are not a group:



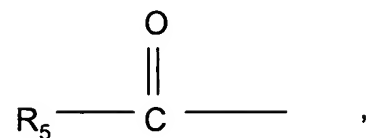
is independently in each occurrence any C₁ to C₂₀ hydrocarbyl group.

8) (ORIGINAL) A composition according to claim 1 wherein any three of R₁, R₂, R₃, and R₄ are the group:



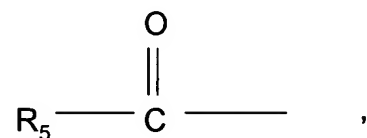
in which R₅ is independently in each occurrence hydrogen or any C₁ to C₂₀ hydrocarbyl group.

9) (ORIGINAL) A composition according to claim 8 wherein the group of R₁, R₂, R₃, and R₄ which is not a group:



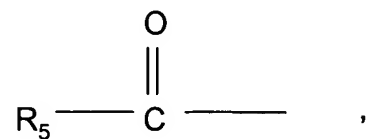
is hydrogen.

10) (ORIGINAL) A composition according to claim 8 wherein the group of R₁, R₂, R₃, and R₄ which is not a group:



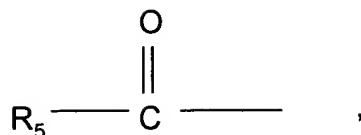
is any C₁ to C₂₀ hydrocarbyl group.

11) (ORIGINAL) A composition according to claim 1 wherein all of R₁, R₂, R₃, and R₄ are the group:



in which R₅ is independently in each occurrence hydrogen or any C₁ to C₂₀ hydrocarbyl group.

12) (CURRENTLY AMENDED) A composition according to claim 1 wherein R₁ and R₄ are represented by the group:



in which R₅ is independently in each occurrence hydrogen or any C₁ to C₂₀ hydrocarbyl group, and wherein R₂ and R₃ are each ~~independently selected from the group consisting of: hydrogen, and any C₁ to C₂₀ hydrocarbyl group~~ hydrogen.

13) (ORIGINAL) A composition according to claim 12 wherein R₅ in each occurrence is independently selected from the group consisting of: hydrogen, a methyl, an ethyl, a propyl, and a butyl group.

14) (ORIGINAL) A composition according to claim 1 wherein said composition is a dry powder.

15) (ORIGINAL) A composition of matter according to claim 14 which further comprises at least one solid compound which upon being contacted with water yields a peroxide selected from the group consisting of: hydrogen peroxide and peroxide ions.

16) (ORIGINAL) A composition according to claim 15 wherein said solid compound is a compound selected from the group consisting of: alkali metal salts of a percarbonate, alkaline earth metal salts of a percarbonate, alkali metal salts of a perborate, and alkaline earth metal salts of a perborate.

17) (ORIGINAL) A composition according to claim 15 wherein the total amount of said amino compound in said composition is between about 0.1 % and about 5 % by weight based on the total weight of said composition.

18) (ORIGINAL) A process for providing an aqueous peroxy acid comprising the steps of:
contacting a composition according to claim 1 with an aqueous peroxide.

19) (ORIGINAL) A process according to claim 18 wherein said peroxide is selected from the
group consisting of: hydrogen peroxide and peroxide ions.

20) (CURRENTLY AMENDED) ~~An aqueous solution comprising a~~ A composition according to
claim 1 , further comprising water .

21) (CURRENTLY AMENDED) ~~An aqueous solution~~ A composition according to claim 20
wherein the amount of water present in said aqueous solution is any amount between about 80 %
and about 99.95 % by weight based on the total weight of said aqueous solution.

22) (CURRENTLY AMENDED) A ~~solution~~ composition according to claim 20 wherein said
amino compound is present in any amount between about 0.1 % and about 5 % by weight based
upon the total weight of said aqueous solution.

23) (CURRENTLY AMENDED) A ~~solution~~ composition according to claim 20 further
comprising an aqueous buffer.

24) (CURRENTLY AMENDED) A ~~solution~~ composition according to claim 20 further
comprising at least one surfactant selected from the group consisting of: anionic surfactants, non-
ionic surfactants, and cationic surfactants.

25) (CURRENTLY AMENDED) A ~~solution~~ composition according to claim 20 further comprising at least one sequesterant.

26) (CURRENTLY AMENDED) A composition comprising the ~~aqueous solution~~ composition of claim 20 and further comprising at least one solid compound which upon being contacted with water yields a peroxide selected from the group consisting of: hydrogen peroxide and peroxide ions.

27) (ORIGINAL) A composition according to claim 26 wherein said solid compound is a peroxide-generating compound selected from the group consisting of: alkali metal salts of a percarbonate, alkaline earth metal salts of a percarbonate, alkali metal salts of a perborate, and alkaline earth metal salts of a perborate, wherein said peroxide-generating compound is present in any amount between about 0.01 % and about 5 % by weight based upon the total weight of said aqueous solution.

28) – 62) (WITHDRAWN)

Claim Rejections under 35 USC § 102

The 06/01/2006 Office Action indicates that claims 1, 4, 5, 7, and 12-27 stand rejected under 35 USC § 102 (b), as being anticipated by DE 1953920 or DE 1801713 stating:

" '920 teaches a cleaning composition containing an activator as recited by the instant claims and a percompound such that the molar ratio of acyl groups in the activator to hydrogen peroxide is from 0.1 to 10. Additionally, the composition contains organic complexants, inorganic builders, surfactants, enzymes, corrosion inhibitors, dyes, perfumes, etc. See Abstract.

'713 teaches washing products containing the same nitrogen containing compounds as recited by the instant claims. The compounds may be used as bleaching agents. See Abstract.

'920 and '713 disclose the claimed invention with sufficient specificity to constitute anticipation.

Accordingly, the broad teachings of '920 and '713 anticipate the material limitations of the instant claims."

Applicants understand that according to MPEP 8th ed. ; §706.02 pp 700-21, col. 1, under the heading: DISTINCTION BETWEEN 35 U.S.C 102 AND 103 , that for anticipation under 35 USC § 102 to be proper, *"the reference must teach every aspect of the claimed invention"*.

Applicants believe it clear that the test as to whether a rejection under Section 102 is proper does not hinge on "sufficient specificity to constitute anticipation", as asserted in the 06/01/2006 Office Action, but rather requires each and every aspect of the Applicants' claimed invention to be shown in a single prior art reference.

As regards the '713 and '920 references, the teachings of these references can hardly be said to be "broad teachings", as asserted by the 06/01/ 2006 Office Action. Rather, the teachings of these references are very narrow, as they only disclose molecules in which the substituents on both nitrogen atoms of the structures specified are identical. That is, in the structures in '713 and '920, each nitrogen atom in the structures have the same substituents. For example, an acetyl and an ethyl group; a propionyl and a methyl group, etc. Applicant's have herein amended their claim 1 to no longer claim such molecules in which both nitrogen atoms have identical substituents appended thereto. Therefore, the references of record do not teach every aspect of

Applicants' claimed invention.

In view of the amendment to claim 1 made herein, which avoids reading on the '713 and '920 references, Applicants respectfully submit that since the claims which depend from claim 1 inherently import all of the limitations of claim 1 as amended herein by reference thereto, that a rejection under 35 USC 102(b) based on the '713 and '920 references should not be applicable to claims 5, 7, and 12-27 as well. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 1, 4, 5, 7, and 12-27 under 35 USC § 102(b) based on the '713 and '920 references of Henkel, because each and every feature of Applicants' inventions as herein amended to claim are not taught by these references.

We believe that claim 4 should not have been rejected initially under Section 102, since it originally depended from claim 2, and claim 2 contained the limitation that the structures comprise only one acyl group. Neither of the references taught compounds having only a single acyl group, and we believe a Section 102(b) rejection does not apply to claim 4, and respectfully request its withdrawal.

Claim Rejections under 35 USC § 103

The 06/01/06 Office Action indicates that claims 2, 3, 6, and 8-11 stand rejected under 35 USC § 103(a) as being unpatentable over S DE 1953920 or DE 1801713 stating:

"'920 and '713 are relied upon as set forth above. However, neither reference teaches, with sufficient specificity the specific polyamino compound as recited by the instant claims.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate the specific polyamino compound as recited by the instant claims, with a reasonable expectation of success, because the broad teachings of '920 or '713 suggest the specific polyamino compound as recited by the instant claims"

Applicants respectfully rebut, noting that with regards to the making of a *prima facie* case of obviousness under 35 USC §103(a), that MPEP section 706.02(j) sets forth the three basic criteria which must be met:

"1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2) there must be reasonable expectation of success; and
3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based upon applicant's disclosure."

Applicants are grateful for the Examiner's keen awareness that " neither reference teaches, with sufficient specificity the specific polyamino compound as recited by the instant claims." Therefore, in order for a rejection under 35 USC § 103 to be applicable, per #3 above, it is the prior art which must teach one of ordinary skill to arrive at the subject matter of Applicants claims. The Office Action made a conclusion that :

"It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate the specific polyamino compound as recited by the instant claims, with a reasonable expectation of success."

Yet, the only statement recited in the Office Action for support of this conclusion is:

"because the broad teachings of '920 or '713 suggest the specific polyamino compound as recited by the instant claims."

Thus, Applicants claims are asserted to be obvious based on a blanket statement in an Office Action that the "broad teachings" of the references suggest Applicant's compounds. Clearly, this is misapplication of 35 USC § 103, because, per the MPEP passage cited above, "the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art". Since the Office Action did not refer to any passage in the prior art for supporting a *prima facie* case, but rather relied only on a conclusory statement in an Office Action, the rejection of claims 2, 3, 6, and 8-11 must be withdrawn, as no *prima facie* case of obviousness is present. Applicants respectfully request identification of passages or text in the references of record themselves, which teach or suggest Applicants claimed subject matter, as Applicants have been unable to locate same in the cited references.

We therefore believe that nothing in either or both of the '713 and '920 references teach or even remotely suggest modifying the chemical structures disclosed therein to arrive at those recited as limitations in Applicant's instant claims. Since no prior art teaches or even remotely suggests the subject matter of Applicants' instant claims, Applicants respectfully submit that all grounds of rejection specified in the 06/01/2006 Office action relative to claims 1-27 have been obviated, and are grateful for Office reconsideration.

Applicants' Remarks

We amended claim 1 to be further limited to include the limitation that both of the nitrogen atoms in the structure do not have the same substituents appended to them. The prior art only disclosed compounds in which each nitrogen had the same substituents.

As regards claim 2, this claim had previously not read on the prior art, but we thought it

elegantly appealing to amend it to include the language from claim 1. Of course, this increases the number of independent claims, but we also amended claim 20, which was former independent, to now be dependent. Thus, the total number of dependent and independent claims is not changed by this Submission by Applicants, and no fees are believed due in connection herewith.

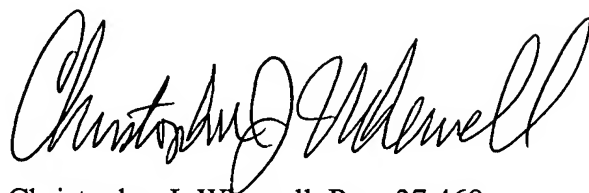
Claim 5 has been amended to be further limited to cases where both substituents on the same nitrogen atom are acyl groups, which is neither taught nor suggested by the prior art.

Claim 12 has been amended to be further limited to cases where R2 and R3 are each hydrogen, which is neither taught nor suggested by the prior art.

Claim 20 has been amended to depend from claim 1, and the preambles of claims 21 – 26 have been amended for consistency

Applicants respectfully submit that all pending claims should now be in condition for allowance. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. Whewell". The signature is fluid and cursive, with the first name "Christopher" and last name "Whewell" clearly distinguishable.

Christopher J. Whewell, Reg. 37,469
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